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Attorneys for Plaintiffs Oracle USA, Inc.,
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Corp.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

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Case No 2:10-cv-0106-LRH-PAL

**ORACLE'S MOTION TO SEAL
PORTIONS OF ORACLE'S
OPPOSITION TO DEFENDANTS'
MOTION TO EXCLUDE CERTAIN
INQUIRY, EVIDENCE OR
ARGUMENT REGARDING
TOMORROWNOW, INC. AND
EXHIBITS TO THE DECLARATION
OF ZACHARY HILL**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), Local Rules 10-5(b) and 16.1-4, and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court grant leave to file under seal certain portions of Oracle’s Opposition To Defendants’ Motion To Exclude Certain Inquiry, Evidence Or Argument Regarding TomorrowNow, Inc. and Exhibits 3, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 22, 23, 24, 25, 26, and 27 of the Declaration of Zachary Hill in support of the same (the “Hill Declaration”). These portions of Oracle’s motion and supporting documents reflect information that Rimini Street, Inc. (“Rimini”) or a third party has designated “Confidential” or “Highly Confidential - Attorneys’ Eyes Only” under the Protective Order. Public, redacted versions of Oracle’s Opposition and the Hill Declaration were filed on June 22, 2015, *see* Dkt. 605-606, and an unredacted version of each was subsequently filed under seal with the Court, *see* Dkt. 607-608.

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

**DOCUMENTS DESIGNATED BY RIMINI OR THIRD PARTY AS
CONFIDENTIAL OR HIGHLY CONFIDENTIAL - ATTORNEYS’ EYES ONLY**

Rimini or a third party has designated the entirety or portions of the following documents cited or referred to in Oracle’s opposition to defendant’s motion to modify the protective order as Confidential (“C”) or Highly Confidential - Attorneys’ Eyes Only (“HC”):

Ex.	Description	Designation
3	Defendants' Trial Exhibit 385	HC
7	Plaintiffs' Trial Exhibit 39	HC by Adams Street Partners
8	Plaintiffs' Trial Exhibit 250	HC
9	Plaintiffs' Trial Exhibit 475	HC
11	Plaintiffs' Trial Exhibit 1556	C
12	Plaintiffs' Trial Exhibit 463:	C by Wendy's
13	November 17 and 18, 2011 depositions of Seth Ravin, Rimini's Chief Executive Officer	C
14	May 21, 2009 and July 21, 2010 deposition of Seth Ravin from <i>Oracle v. SAP</i> , N.D. Cal. Case No. 07-CV-1658	C/HC
15	July 21, 2011 deposition of Michael Davichick, Rimini's Vice President of Sales	C
17	December 15, 2011 deposition of Brian Slepko, Rimini's Senior Vice President Global Operations	C
18	October 5, 2011 deposition of Krista Williams, a member of Rimini's PeopleSoft environments team	C
19	January 5 and 6, 2012 deposition of Kevin Maddock, Rimini's Vice President of Support Sales	C/HC
22	November 1, 2011 deposition of Rimini customer, Paull Craig of the County of Kent	C
23	Rimini's Copyright Damages Expert Report by Scott Hampton	HC
24	Rimini's Industry Expert Report by Brooks Hilliard	HC
25	Oracle Deposition Exhibit 933 introduced during November 18, 2011 deposition of Seth Ravin	C
26	Oracle Deposition Exhibit 1630 introduced during the January 5, 2012 deposition of Kevin Maddock	C
27	Oracle Deposition Exhibit 1651 introduced during the January 5, 2012 deposition of Kevin Maddock.	HC

Oracle submits these documents under seal pursuant to the Protective Order based on Rimini's or the third party's representation that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations. However, because the foregoing documents were designated by Rimini or the third party, Oracle is not in the position to provide further justification for why filing them publicly would cause Rimini or the third party harm sufficient to show good cause.

Oracle has submitted all other portions of Oracle's Opposition and supporting papers to the Court's public files, which would allow public access to all materials except for the items discussed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file the documents discussed

1 above under seal.

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3 DATED: June 22, 2015

MORGAN, LEWIS & BOCKIUS LLP

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5 By: /s/ Thomas S. Hixson
6 Thomas S. Hixson
7 Attorneys for Plaintiffs
8 Oracle USA, Inc.,
9 Oracle America, Inc.,
10 and Oracle International Corp.
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